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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of
ABE et al.

Appln. No. 10/584,221
Filing Date: June 20, 2007



Confirmation No. 1699
Atty. Docket No. 46453

Group Art Unit: 1621
Examiner: Valenrod, Yevgeny

Title: PROCESS FOR PRODUCING 2-HALOGENOBENZAMIDE COMPOUND

FILED UNDER RULE 1.116
EXPEDITED PROCEDURE

TRANSMITTAL OF RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an Response in the above-captioned application. The fee has been calculated as shown below. (Small entity fees indicated in parentheses.)

CLAIMS AS AMENDED							
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
	Claims Remaining After Amendment		Highest Number Previously Paid For		Extra Claims	Rate	Fee
Total Claims	4	-	20		0	52.00	\$0
(Small Entity)						(26.00)	
Independent claims	1	-	3		0	220.00	\$0
(Small Entity)						(110.00)	
Multiple Dependent	0	-	0		0	390.00	\$0
(Small Entity)						(195.00)	
Extension of Time	One Month		Two Months		Three Months	Four Months	
Fee	\$130		\$490		\$1,110	\$1,730	\$0
(Small Entity)	(\$65)		(\$245)		(\$555)	(\$865)	
Terminal Disclaimer							\$0
IDS							\$0
Total							\$0

The above fees are believed to be correct. However, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0687 under the above Attorney Docket Number for which purpose this paper is submitted in duplicate. **CUSTOMER NO. 20736**

Respectfully submitted,

Paul E. White, Jr.
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Date: February 6, 2009

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* * * * *

February 6, 2009

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313 -1450

Sir:

In response to the Office Action dated November 7, 2008, reconsideration and allowance of the subject application are respectfully requested in view of the following remarks.

Claims 1-4 are pending in this application. Claim 5 has been cancelled. In the previous Amendment, filed June 26, 2008, claim 1 was amended to essentially incorporate the subject matter of claim 5 by deleting m is 0. Filed with the previous Amendment was the Rule 132 Declaration of co-inventor Hiroki Kodama.

The applicants respectfully traverse the rejection of claims 1-4 under 35 USC 103(a) over Kodama et al. (EP 1,277,726A1) in view of Harayama et al. (US 2004/0116299A1). These references do not make the presently claimed invention to be obvious.

Because of the prior amendment of claim 1, the recitation of $-S(O)_m-$ in formulas (II) and (III) is now $-SO-$. The presently claimed method recites a method which comprises the steps of introducing a halogen atom in o-position of the benzene nucleus of the sulfoxide (II) to obtain halogenated sulfoxide (III) and then